

## NOT FOR PUBLICATION

NO. 25828

IN THE INTERMEDIATE COURT OF APPEALS  
OF THE STATE OF HAWAII

NORMA T. YARA  
CLERK, APPELLATE COURTS  
STATE OF HAWAII

2005 OCT -4 AM 10:06

FILED

HOMAYON TAVAKOLI, M.D., KIHEI MEDICAL SERVICES, INC.,  
AND URGENT CARE MAUI, INC.,  
Plaintiffs-Appellants and Cross-Appellees,  
v.  
HAWAII MEDICAL SERVICE ASSOCIATION; HEALTH PLAN HAWAII,  
Defendants-Appellees and Cross-Appellants,  
and  
JOHN DOES 1-99; JANE DOES 1-99; DOE ENTITIES 1-20;  
AND DOE GOVERNMENTAL UNITS 1-10, Defendants

APPEAL FROM THE CIRCUIT COURT OF THE SECOND CIRCUIT  
(CIVIL NO. 02-1-0460(3))

ORDER VACATING MEMORANDUM OPINION OF THE COURT  
(By: Burns, C.J., Watanabe and Lim, JJ.)

An order granting the motion for reconsideration of the court's July 25, 2005 memorandum opinion having been entered on August 12, 2005, said memorandum opinion is hereby vacated and a new memorandum opinion shall be filed.

DATED: Honolulu, Hawai'i, October 4, 2005.

*James S. Burns*  
Chief Judge

*Corinne K. A. Watanabe*  
Associate Judge

*[Signature]*  
Associate Judge